



Itw

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

9

Application Number

10/538,126

Filing Date

June 6, 2005

First Named Inventor

Shunsuke Kuroiwa

Art Unit

1614

Examiner Name

Not yet assigned

Attorney Docket Number

442P097

### ENCLOSURES (Check all that apply)

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Fee Transmittal Form                             | <input type="checkbox"/> Drawing(s)                                       | <input type="checkbox"/> After Allowance Communication to TC                            |
| <input type="checkbox"/> Fee Attached                                     | <input type="checkbox"/> Licensing-related Papers                         | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences     |
| <input type="checkbox"/> Amendment/Reply                                  | <input type="checkbox"/> Petition   | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final                                      | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information  |
| <input type="checkbox"/> Affidavits/declaration(s)                        | <input type="checkbox"/> Power of Attorney, Revocation                    | <input type="checkbox"/> Status Letter  |
| <input type="checkbox"/> Extension of Time Request                        | <input type="checkbox"/> Change of Correspondence Address                 | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):         |
| <input type="checkbox"/> Express Abandonment Request                      | <input type="checkbox"/> Terminal Disclaimer                              | -Request for Correcting Filing Receipt (1-Page)   |
| <input type="checkbox"/> Information Disclosure Statement                 | <input type="checkbox"/> Request for Refund                               | -Corrections to Filing Receipt (2-Pages)  |
| <input type="checkbox"/> Certified Copy of Priority Document(s)           | <input type="checkbox"/> CD, Number of CD(s) _____                        | -Copy of executed Declaration (5-pages)   |
| <input type="checkbox"/> Reply to Missing Parts/Incomplete Application    | <input type="checkbox"/> Landscape Table on CD                            |   |
| <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 |   |   |

Remarks

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Niels & Lemack		
Signature			
Printed name	Kevin S. Lemack		
Date	December 8, 2005	Reg. No.	32,579

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Kevin S. Lemack	Date	December 8, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Shunsuke Kuroiwa et al.  
Serial No. : 10/538,126  
Filed : June 6, 2005  
For : 3-PHENYL-CINNOLINE ANALOGUE AND ANTITUMOR AGENT  
USIN THE SAME  
Examiner : Not yet assigned  
Art Unit : 1614  
Attorney  
Docket No. : 442P097

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Sir

**REQUEST TO CORRECT FILING RECEIPT**

Pursuant to the mandate of the filing receipt sent by the Patent and Trademark Office in the above case, a verification of the accuracy of the data presented thereon has revealed the following error(s):

The filing receipt incorrectly listed the filing date of the first priority number. Please **correct** the following:


"JAPAN 2002357556 10/12/2002" should read -JAPAN 2002357556 **12/10/2002** -

The filing receipt also incorrectly listed the title. Please **correct** the following:

"3-Phenyl-cinnoline homologue and antitumor agent containing the same" should read  
--3-Phenyl-cinnoline **analogue** and antitumor agent **usin** the same--

Please make the appropriate corrections. A photocopy of the filing receipt and the executed Declaration are enclosed herewith.

I hereby certify that this correspondence  
is being deposited with the United States  
Postal Service as first class mail in an  
envelope addressed to: Commissioner of  
Patents, P.O. Box 1450, Alexandria, VA  
22313-1450 on December 8, 2005

  
Signature: Kevin S. Lemack  
Date: December 8, 2005

Respectfully submitted,

  
Kevin S. Lemack  
Attorney for Applicants  
Registration No. 32,579  
Nields & Lemack  
176 E. Main Street  
Westboro, MA 01581  
TEL: (508) 898-1818



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/538,126	06/06/2005	1614	2060	442P097		14	1

CONFIRMATION NO. 2218

42754  
 NIELDS & LEMACK  
 176 EAST MAIN STREET, SUITE 7  
 WESTBORO, MA 01581

## FILING RECEIPT



\*OC000000017495833\*

Date Mailed: 11/21/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

## Applicant(s)

Shunsuke Kuroiwa, Kumagaya, JAPAN;  
 Junko Odanaka, Tokyo, JAPAN;  
 Sakiko Maruyama, Tokyo, JAPAN;  
 Yoshitaka Sato, Yoshikawa, JAPAN;  
 Arihiro Tomura, Tokyo, JAPAN;  
 Hiroshi Sato, Saitama, JAPAN;  
 Yoshikazu Suzuki, Tokyo, JAPAN;

**Power of Attorney:** The patent practitioners associated with Customer Number 42754.

## Domestic Priority data as claimed by applicant

This application is a 371 of PCT/JP03/15767 12/10/2003

## Foreign Applications

<sup>12/10</sup>  
 JAPAN 2002357556 10/12/2002  
 JAPAN 2003166082 06/11/2003  
 JAPAN 2003183766 06/27/2003

**Projected Publication Date:** 03/02/2006

**Non-Publication Request:** No

**Early Publication Request:** No

**Title**

analogue  
 3-Phenyl-cinnoline-homologue and antitumor agent <sup>usin</sup> containing the same

**Preliminary Class**

514

## PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

### LICENSE FOR FOREIGN FILING UNDER Title 35, United States Code, Section 184 Title 37, Code of Federal Regulations, 5.11 & 5.15

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.



BEST AVAILABLE COPY

W2321-01 (X120)

Copy

PTO/SB/106(5-00)

Approved for use through 10/31/02. OMB 0651-0032

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## Declaration and Power of Attorney for Patent Application

特許出願宣言書及び委任状

Japanese Language Declaration

日本語宣言書

私は、以下に記名された発明者として、ここに下記の通り宣言する：

As a below named inventor, I hereby declare that:

私の住所、郵便の宛先そして国籍は、私の氏名の後に記載された通りである。

My residence, post office address and citizenship are as stated next to my name.

下記の名称の発明について、特許請求範囲に記載され、且つ特許が求められている発明主題に関して、私は、最初、最先且つ唯一の発明者である（唯一の氏名が記載されている場合）か、或いは最初、最先且つ共同発明者である（複数の氏名が記載されている場合）と信じている。

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

3-PHENYL-CINNOLINE ANALOGUE AND ANTITUMOR

AGENT USIN THE SAME

上記発明の明細書はここに添付されているが、下記の欄がチェックされている場合は、この限りでない：

The specification of which is attached hereto unless the following box is checked:

☐ \_\_\_\_\_ の日に出願され、  
この出願の米国出願番号または P C T 国際出願番号は、  
\_\_\_\_\_ であり、且つ  
\_\_\_\_\_ の日に補正された出願（該当する場合）

☒ was filed on December 10, 2003  
as United States Application Number or  
PCT International Application Number  
PCT/JP03/15767 and was amended on  
\_\_\_\_\_ (if applicable).

私は、上記の補正書によって補正された、特許請求範囲を含む上記明細書を検討し、且つ内容を理解していることをここに表明する。

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

私は、連邦規則法典第 37 編規則 1.56 に定義されている、特許性について重量な情報を開示する義務があることを認める。

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

# Japanese Language Declaration (日本語宣言書)

私は、ここに、以下に記載した外国での特許出願または発明者証の出願、或いは米国以外の少なくとも一國を指定している米国法典第35編第365条(a)によるPCT国際出願について、同第119条(a)-(d)項又は第365条(b)項に基づいて優先権を主張するとともに、優先権を主張する本出願の出願日よりも前の出願日を有する外国での特許出願または発明者証の出願、或いはPCT国際出願については、いかなる出願も、下記の枠内をチェックすることにより示した。

## Prior Foreign Application(s)

外国での先行出願

2002-357556	Japan
(Number)	(Country)
(番号)	(国名)
2003-166082	Japan
(Number)	(Country)
(番号)	(国名)
2003-183766	Japan
(Number)	(Country)
(番号)	(国名)

I hereby claim foreign priority under Title 35, United States Code, Section 119 (a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT International application which designated at least one country other than the United States listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application for which priority is claimed.

Priority Not Claimed

優先権主張なし

10/December/2002

(Day/Month/Year Filed)

(出願日/月/年)

11/June/2003

(Day/Month/Year Filed)

(出願日/月/年)

27/June/2003

(Day/Month/Year Filed)

(出願日/月/年)

私は、ここに、下記のいかなる米国仮特許出願についても、その米国法典第35編第119条(e)項の利益を主張する。

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below.

(Application No.)

(出願番号)

(Filing Date)

(出願日)

(Application No.)

(出願番号)

(Filing Date)

(出願日)

私は、ここに、下記のいかなる米国出願についても、その米国法典第35編第120条に基づく利益を主張し、又米国を指定するいかなるPCT国際出願についても、その同第365条(c)に基づく利益を主張する。また、本出願の各特許請求の範囲の主題が、米国法典第35編第112条第1段に規定された態様で、先行する米国出願又はPCT国際出願に開示されていない場合においては、その先行出願の出願日と本国内出願日またはPCT国際出願日との間の期間中に入手された情報で、連邦規則法典第37編規則1.56に定義された特許性に関わる重要な情報について開示義務があることを承認する。

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s), or 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code Section 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of application.

(Application No.)

(出願番号)

(Filing Date)

(出願日)

(Status: Patented, Pending, Abandoned)

(現況: 特許許可済、係属中、放棄)

(Application No.)

(出願番号)

(Filing Date)

(出願日)

(Status: Patented, Pending, Abandoned)

(現況: 特許許可済、係属中、放棄)

私は、ここに表明された私自身の知識に係わる陳述が真実であり、且つ情報と信ずることに基づく陳述が、真実であると信じられることを宣言し、さらに、故意に虚偽の陳述などを行った場合は、米国法典第18編第1001条に基づき、罰金または拘禁、若しくはその両方により処罰され、またそのような故意による虚偽の陳述は、本出願またはそれに対して発行されるいかなる特許も、その有効性に問題が生ずることを理解した上で陳述が行われたことを、ここに宣言する。

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

# Japanese Language Declaration (日本語宣言書)

委任状 : 私は本出願を審査する手続を行い、且つ米国特許商標庁との全ての業務を遂行するために、記名された発明者として、下記の弁護士及び/または弁理士を任命する。(氏名及び登録番号を記載すること)

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith (list name and registration number).

Kevin S. Lemack, Reg. No. 32,579; Henry C. Nields, Reg. No. 17,029; Robert Frame, Reg. No. 54,104

書類送付先

Send Correspondence to:

Nields & Lemack  
176 E. Main Street-Suite 7  
Westboro MA 01581  
U.S.A

直接電話連絡先 : (氏名及び電話番号)

Direct Telephone Calls to: (name and telephone number)

Telephone: (508) 898-1818

Fax: (508) 898-2020

唯一または第一発明者	Full name of sole or first inventor Shunsuke KUROIWA
発明者の署名 日付	Inventor's signature Date Shunsuke Kuroiwa May 18, 2005
住所	Residence Kumagaya, Japan
国籍	Citizenship Japan
郵便の宛先	Post Office Address 2138-9, Ishihara, Kumagaya-shi, Saitama, Japan
第二共同発明者	Full name of second joint inventor, if any Junko ODANAKA
第二共同発明者の署名 日付	Second inventor's signature Date Junko Odanaka May 17, 2005
住所	Residence Tokyo, Japan
国籍	Citizenship Japan
郵便の宛先	Post Office Address 1-11-7-704, Akabane-minami, Kita-ku, Tokyo, Japan

(第三以降の共同発明者についても同様に記載し、署名をすること)

(Supply similar information and signature for third and subsequent joint inventors.)

# REST AVAILABLE COPY

PTO/SB/106(5-00)

Approved for use through 10/31/02. OMB 0651-0032

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

第三共同発明者	Full name of third joint inventor, if any Sakiko MARUYAMA
第三共同発明者の署名 日付	Third inventor's signature Date <i>Sakiko Maruyama</i> <i>May 17, 2005</i>
住所	Residence Tokyo, Japan
国籍	Citizenship Japan
郵便の宛先	Post Office Address 5-39-14, Shimo, Kita-ku, Tokyo, Japan
第四共同発明者	Full name of fourth joint inventor, if any Yoshitaka SATO
第四共同発明者の署名 日付	Fourth inventor's signature Date <i>Yoshitaka Sato</i> <i>May 18, 2005</i>
住所	Residence Yoshikawa, Japan
国籍	Citizenship Japan
郵便の宛先	Post Office Address 1-31-2-105, Ho, Yoshikawa-shi, Saitama, Japan
第五共同発明者	Full name of fifth joint inventor, if any Arihiro TOMURA
第五共同発明者の署名 日付	Fifth inventor's signature Date <i>Arihiro Tomura</i> <i>May 17, 2005</i>
住所	Residence Tokyo, Japan
国籍	Citizenship Japan
郵便の宛先	Post Office Address 3-17-1, Shimo, Kita-ku, Tokyo, Japan
第六共同発明者	Full name of sixth joint inventor, if any Hiroshi SATO
第六共同発明者の署名 日付	Sixth inventor's signature Date <i>Hiroshi Sato</i> <i>May 18, 2005</i>
住所	Residence Saitama, Japan
国籍	Citizenship Japan
郵便の宛先	Post Office Address 2-336, Kitabukuro-cho, Omiya-ku, Saitama, Japan

(第七以降の共同発明者についても同様に記載し、署名をすること)

(Supply similar information and signature for seventh and subsequent joint inventors.)



# BEST AVAILABLE COPY

PTO/SB/106(5-00)

Approved for use through 10/31/02. OMB 0651-0032

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

第七共同発明者	Full name of seventh joint inventor, if any Yoshikazu SUZUKI	
第七共同発明者の署名	日付	Seventh inventor's signature      Date Yoshikazu Suzuki      May 20, 2005
住所	Residence Tokyo, Japan	
国籍	Citizenship Japan	
郵便の宛先	Post Office Address 3-13-8, Tabata, Kita-ku, Tokyo, Japan	
第八共同発明者	Full name of eighth joint inventor, if any	
第八共同発明者の署名	日付	Eighth inventor's signature      Date
住所	Residence	
国籍	Citizenship	
郵便の宛先	Post Office Address	
第九共同発明者	Full name of ninth joint inventor, if any	
第九共同発明者の署名	日付	Ninth inventor's signature      Date
住所	Residence	
国籍	Citizenship	
郵便の宛先	Post Office Address	
第十共同発明者	Full name of tenth joint inventor, if any	
第十共同発明者の署名	日付	Tenth inventor's signature      Date
住所	Residence	
国籍	Citizenship	
郵便の宛先	Post Office Address	

(第十一以降の共同発明者についても同様に記載し、署名を  
すること)

(Supply similar information and signature for eleventh and  
subsequent joint inventors.)